

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDNA RAMSEY,

Plaintiff,

vs.

TIMOTHY CONNER, et al.,

Defendants.

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Case No. 4:09cv1754 TCM

ORDER

This matter is before the Court for examination pursuant to Rule 4(m), Federal Rules of Civil Procedure.

Plaintiff filed her amended complaint on January 29, 2010, adding three new defendants: Frank Mininni, D'Andre Montgomery, and Michael Eaton. On February 16, an answer was filed on behalf of the three previously-named defendants and on behalf of Messrs. Mininni and Montgomery. An answer was not filed on behalf of Mr. Eaton, nor has summons issued for service on him of the amended complaint.

Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint.

The Rule 4(m) period for service expires in 60 days. Therefore,

IT IS HEREBY ORDERED that Plaintiff shall cause service to be effected upon defendant **Michael Eaton** not later than May 30, 2010. In the absence of good cause shown,

failure to timely serve Mr. Eaton shall result in the dismissal, without prejudice, of Plaintiff's claims against him for lack of timely service.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 31st day of March, 2010.